

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 25452 of 2003

Between:

K.Mahesh Reddy S/o.K.Raja Reddy
A.P.Social Welfare Residential School/ Junior College, Adilabad
R/o.H.No.56(B), L.I.G.H,Housing Board Colony, Near DIET College, Adilabad
District

..... PETITIONER

AND

1 The Chairman, A.P.Social Welfare Residential Educational Institutions

Society, Hyderabad

2 The Secretary,A.P.Social Welfare Residential Educational Institutions

Society, Hyderabad

3 The District Collector, Adilabad District

4 The principal, A.P.S.W.R. School,/Junior College, Adilabad, Adilabad

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ of certiorari, to call for the records pertaining to order dt.12-11-2003 in Rc.No.Z-V/51905/2003 on the file of the first respondent and declare the same as illegal, arbitrary, null and void, against the principles of natural justice, unconstitutional and violative of CCA rules by directing the respondents to continue the petitioner as Electrician cum plumber in the 4th respondent school, without showing any break in service and award costs.

Counsel for the Petitioner: MR.S.SURENDER REDDY

Counsel for the Respondents 1 and 2: MR.VIJAY BHASKAR MOOLA

Counsel for the Respondent No.3: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

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This writ petition is filed to call for the records pertaining to order dated 12-11-2003 on the file of the first respondent and declare the same as illegal and arbitrary.

2. As per the proceedings dated 12-11-2003, the petitioner was placed under suspension on the ground that he was responsible regarding the death of Kum.Vijaya, a student of 9th Class, A-Section. Upon considering the enquiry report and having due regard to the circumstances, the Chairman of the Institute satisfied and placed the petitioner under suspension. Challenging the same, the present writ petition is filed.

3. Several contentions have been raised in the affidavit. It is contended by the learned counsel for the petitioner that the petitioner was not at all responsible for the death of one Kum.Vijaya. He further contended that on the date of death of Kum.Vijaya, the petitioner was not at all working in the respondents' Institute at Boath, Adilabad, and that the cause mentioned in the suspension order is entirely different from the plea taken by the respondents in the counter. Hence, prayed to set aside the same.

4. Normally, this Court will not interfere with the suspension order, pending enquiry, unless the authority who passed the order has no jurisdiction at all. The suspension order has been passed by the Chairman, A.P. Social

Welfare Residential Educational Institutions Society, Hyderabad on 12-11-2003. The jurisdiction of the authority, who passed the impugned order is not under challenge. Whether the petitioner was working at the respondents' school at the relevant point of time, whether he was responsible for the cause of death of Kum.Vijaya and whether he was visiting the respondents' school during night times, are the matters required to be decided at the time of enquiry. The contentions raised by the learned counsel for the petitioner and also the pleas taken in the affidavit are required to be gone into and decided by the enquiry officer, and certainly not by this Court. Hence, the writ petition is devoid of merit and is liable to be dismissed.

5. The writ petition is accordingly dismissed. No order as to costs.

K.C.BHANU, J

08th June, 2005

SKM

TO

1 The Chairman, A.P.Social Welfare Residential Educational Institutions
Society, Hyderabad

2 The Secretary,A.P.Social Welfare Residential Educational Institutions
Society, Hyderabad

3 The District Collector, Adilabad District

4 The principal, A.P.S.W.R.Scool,/Junior College, Adilabad, Adilabad

District

5 Two C.Cs. to G.P. for Social Welfare, High Court Buildings,
High Court of A.P., Hyderabad (OUT)

6 Two C.D. Copies.

